

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON PENNER,

Plaintiff(s),

v.

ANIELLO ZAMPELLA, et al.,

Defendant(s).

23-CV-10277 (DEH)

ORDER

DALE E. HO, United States District Judge:

Pursuant to 28 U.S.C. § 1404(a) (“Section 1404(a)”) and 28 U.S.C. §1406(a) (“Section 1406(a)”) and at the parties’ request, *see* ECF No. 6, this action is hereby transferred to the Eastern District of New York.

Defendant seeks to remove the state court action, *Jason Penner v. Aniello Zampella, et al.*, No. 650155/2023, from the Supreme Court of the State of New York, County of New York, to join the bankruptcy proceeding, *In re Cottonwood Vending, LLC*, Case No. 23-43027, currently pending in the United States Bankruptcy Court for the Eastern District of New York. Notice of Removal, ECF No. 1 at 2. However, Defendant’s Notice of Removal mistakenly identifies *both* the Southern District of New York and the Eastern District of New York as the appropriate venue. *Id.*

Under Section 1404(a) and Section 1406(a), transfer is appropriate in this case. Although Defendant mistakenly identified two venues, including this District, in its Notice of Removal, *id.*, the bankruptcy proceeding is currently pending in the United States Bankruptcy Court for the Eastern District of New York. Accordingly, the Court transfers this action to the United States District Court for the Eastern District of New York. *See* 28 U.S.C. §§ 1404(a), 1406(a). The Eastern District of New York will be the appropriate forum to decide all pending motions.

The Clerk is respectfully requested to transfer this action to the Eastern District of New York and to close the action on the docket of this Court.

SO ORDERED.

Dated: January 17, 2024
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", is positioned above a horizontal line.

DALE E. HO
United States District Judge